

United States District Court**NORTHERN****DISTRICT OF****NEW YORK****UNITED STATES OF AMERICA****v.****GERALD KOCH**

U.S. DISTRICT COURT - N.D. OF N.Y.	
FILED	
OCT - 6 2009	
AT _____ O'CLOCK	Lawrence K. Baerman, Clerk - Binghamton

CRIMINAL COMPLAINT**Case Number: 3:09-MJ-471**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Between about September, 2008 through June, 2009 in Broome county, in the Northern District of New York and elsewhere defendant did commit the following offenses:

1. Title 18, United States Code, Section 2422(b), entitled "Coercion and Enticement", provides that:

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life."

2. Title 18, United States Code, Section 2423, entitled "Transportation of Minors", provides that:

2423(a) "A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life."

2423(b) "A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years or both."

2423(e) "Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of this subsection".

3. Title 18, United States Code, Section 1512, entitled "Tampering with a Witness, Victim, or an Informant", provides that:

1512(b) "Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to-

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

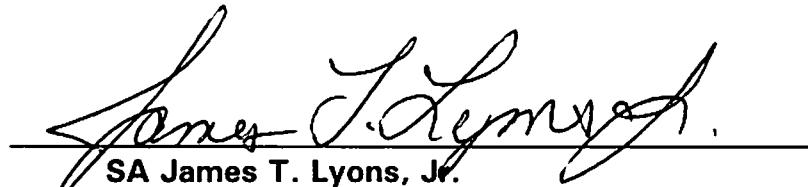
in violation of Title 18, United States Code, Section(s) 2422(b);2423(a)and(b); and Section 1512(b)(1) and (b)(3).

I further state that I am a FBI Special Agent and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: YES NO



SA James T. Lyons, Jr.
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence,

October 6, 2009

Date

at

Syracuse, New York

City and State

Hon. David E. Peebles

Name and Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James T. Lyons, Jr., being duly sworn do depose and state as follows:

1. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) for approximately 12½ years. I am currently assigned to the Albany Field Division, Binghamton, New York Resident Agency. I am also a member of the Southern Tier Cyber Predator Task Force (STCPTF) which conducts computer crime investigations including investigations involving the sexual exploitation of minors via computers, cellular telephones, and the internet. I have investigated matters involving the sexual exploitation of minors and have made arrests and conducted searches pertaining to these types of investigations. While assigned to the FBI office in Binghamton, New York, I have served as the Affiant in applications for search warrants and requests for interception of electronic and wire communications.

2. This affidavit is made in support of a request for the issuance of an arrest warrant for Gerald Koch, aka "Jerry", date of birth: [REDACTED] 1960, of 3211 Quaker Lake Road, Brackney, Pennsylvania. Koch resides in Pennsylvania but is employed at Electro Form Corporation, 120 Bevier Street, Binghamton, New York. Based upon investigation and the facts provided below, your Affiant submits there is probable cause to believe that Gerald Koch committed a number of federal crimes by Attempting to and Persuading/Enticing a Minor to Engage in Sexual Conduct, Attempting to and Transporting a Minor in Interstate Commerce with the Intent to Engage in Criminal Sexual Activity, Attempting to and Traveling in Interstate Commerce with the Intent to Engage in Illicit Sexual Conduct, and Tampering with a Witness/Victim, all in violation of Title 18, United States Code, Sections 2422(b); 2423(a) and (b); and Section 1512(b)(1) and (b)(3).

Koch was employed as the girls varsity soccer coach during the Fall 2008 soccer season at Blue Ridge High School, New Milford, Pennsylvania. Koch previously coached girls soccer in the Binghamton, New York area. Koch's victim is a 16 year old female student/soccer player who attended Blue Ridge High School. Koch coached the victim during Blue Ridge High School's 2008 soccer season. During the 2008/2009 school year, Koch's victim resided in Pennsylvania and the Binghamton, New York area and was 16 years of age.

3. This affidavit is also made in support of a request for the issuance of a seizure warrant for Gerald Koch's vehicle, further described as a 1998 black colored Audi sedan bearing Pennsylvania registration GXS6986 and assigned vehicle identification number WAUED68DXWA024133. As further described below, there is probable cause to believe that Koch's vehicle was utilized in furtherance of and was an instrumentality of federal crimes in violation of Title 18, United States Code, Sections 2423(a) and (b). Pursuant to Title 18, United States Code, Section 2428 there is probable cause to believe that Koch's vehicle shall be forfeited to the United States.

4. The statements contained in this affidavit are based in part on information provided by Special Agents of the FBI, members of the STCPTF, Binghamton Police Department, Pennsylvania State Police, New York State Police, and on my experience and background as a Special Agent with the FBI. Since this affidavit is being submitted for the limited purpose of establishing probable cause to obtain an arrest and seizure warrant, I have not included every fact known to me concerning this investigation. I have set forth only the facts I believe are necessary to establish probable cause to believe that Gerald Koch violated Title 18, United States Code, Sections 2422(b), 2423(a) and (b); Section 1512(b)(1) and (b)(3); and 2428.

APPLICABLE LAW

5. Title 18, United States Code, Section 2422(b), entitled "Coercion and Enticement", provides that:

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life."

A. Title 18, United States Code, Section 2423, entitled "Transportation of Minors", provides that:

2423(a) "A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life."

2423(b) "A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years or both."

2423(e) "Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of this subsection".

B. Title 18, United States Code, Section 1512, entitled "Tampering with a Witness, Victim, or an Informant", provides that:

1512(b) "Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to-

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

Shall be fined under this title or imprisoned not more than 20 years or both."

C. Title 18, United States Code, Section 2428, entitled "Forfeitures", provides that:

The Court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States

(1) such person's interest in any property , real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation.

The following shall be subject to forfeiture to the United States and no property right shall exist in them

(A) Any property, real or personal, used or intended to be used to commit

or to facilitate the commission of any violation of this chapter.

FACTUAL BACKGROUND

6. On or about January 26, 2009, the father (hereafter "Father") of a 16 year old female (hereafter "Victim") contacted officials at the Blue Ridge High School, New Milford, Pennsylvania, to alert them of telephonic contact which was occurring between the Victim and Gerald Koch. The Victim's Father resided in the Binghamton, New York area and the Victim attended Blue Ridge High School and played on the girls varsity soccer team. Koch, who served as the girls varsity soccer coach for the Fall 2008 season at Blue Ridge High School, New Milford, Pennsylvania, was also the Victim's soccer coach. The Victim's Father informed Blue Ridge officials that he had phone records which reflected calls between the Victim and Koch from December 21, 2008, through December 26, 2008, which lasted 50 - 145 minutes and occurred between 10:00 p.m. and 3:00 a.m. The Victim's Father did not have any reason to believe there was any impropriety; however, the Victim's Father voiced his concern to Blue Ridge officials as he believed the telephonic contact between Koch and the Victim was inappropriate.

7. On or about January 27, 2009, a Blue Ridge official met with Koch to discuss the matter raised by the Victim's Father. Koch admitted he had telephonic contact with the Victim as Koch discussed school and social issues with the Victim. The Blue Ridge official reminded Koch that Koch was not qualified to be a counselor or therapist and Koch should contact the Victim's parents, the school, or other proper agency to address the Victim's needs. Koch understood the Blue Ridge official's position; however, Koch stated he would sacrifice coaching at Blue Ridge High School in order to "save" the Victim.

8. On or about January 29, 2009, the Blue Ridge official re-contacted Koch to ensure Koch understood the position of the Blue Ridge School District. The Blue Ridge official emphasized to Koch that continued telephonic contact with the Victim would result in Koch's termination. Koch indicated he understood and expressed a desire to continue to coach girls varsity soccer at Blue Ridge High School.

9. On or about February 4, 2009, the Victim's Father, who resided in the Binghamton, New York area, walked into the Binghamton Police Department to file a complaint regarding Koch. Pursuant to conducting a review of cellular telephone records, the Victim's Father learned the Victim was in possession of a second cellular telephone. The Victim's Father originally provided the Victim with a cellular telephone. However, the Victim's Father learned the Victim was utilizing a second cellular telephone which was provided to the Victim by Koch. The Victim's Father confronted the Victim and confiscated both of the Victim's cellular telephones. The Victim's Father identified a number of text messages to/from "Jerry" which is a nickname utilized by Koch. The Victim's Father described that several of the text messages between the Victim and "Jerry" referred to a "cum shirt" and other messages to/from "Jerry" stated "I love you". In addition, the Victim's Father viewed messages on this cellular telephone which revealed the Victim and "Jerry" made plans to meet at locations away from the Victim's Father.

10. The Victim's Father provided both cellular telephones utilized by the Victim to the Binghamton Police Department. In February 2009, investigators applied for and obtained search warrants from the Honorable Joseph Cawley, Broome County Court Judge, Binghamton, New York, which authorized the search of the two cellular telephones the Victim's Father confiscated from the Victim. The search warrants also authorized the search for stored text

message content of Koch's cellular telephone, telephone number 607-343-6184. Verizon Wireless confirmed that cellular telephone 607-343-6184 was subscribed and billed to Gerald Koch, of 3211 Quaker Lake Road, Brackney, Pennsylvania.

11. In March 2009, analysis of the two cellular telephones the Victim's Father confiscated from the Victim was conducted by a forensic examiner at the Broome County Computer and Technical Services Unit, Binghamton, New York. Examination of the cellular telephones disclosed the existence of text messages and photographs. The following are several text messages and one image file which were discovered in the cellular telephones utilized by the Victim:

To Jerry: "Even if we didn't hav sex today"

From Jerry: "What do you think about switching your e-mail to the totheenvy one and not using the other because of the messaging part of it?"

From Jerry: "You'll need to meet me at the Giant"

From Jerry: "Did you get your phone back?"

From Jerry: "Dealt with (Father's name) yet?"

From Jerry: "I still have my cum shirt on"

From Jerry: "We had a great day"

In addition, one image with the file name of "yum.jpg" was recovered from one of the Victim's cellular telephones. The image depicts a male's bare stomach with what appears to be the tip of a penis laying on the male's stomach.

12. On or about March 24, 2009, a 17 year old classmate (hereafter Student #1, whose identity is known to your Affiant) of the Victim was interviewed. Student #1 stated, in words or substance, that the Victim admitted the Victim spent time alone with Koch and the Victim lost

her virginity to Koch.

13. On or about April 5, 2009, the Victim's Father learned that the Victim was utilizing yet another cellular telephone. The Victim's Father confiscated this cellular telephone and brought the cellular telephone and the Victim to the Binghamton Police Department. Investigators confirmed Koch paid for service to this additional cellular telephone which was utilized by the Victim. The Victim was interviewed and the Victim admitted she had been communicating with Koch by way of this cellular telephone. The Victim admitted she was also sending and receiving text messages to/from Koch via her cellular telephone. The Victim further admitted Koch provided her with two cellular telephones which were confiscated by the Victim's Father and provided to investigators. The Victim admitted she previously received an image file from Koch which Koch sent to one of the Victim's cellular telephones. The Victim described this image as one that depicted a male's stomach with the male's pants unzipped. The Victim denied she and Koch ever engaged in a sexual relationship.

14. Pursuant to the interview of the Victim, investigators received text messages which were sent to/from Koch's Verizon Wireless cellular telephone of 607-343-6184. These messages were obtained from Verizon Wireless pursuant to search warrant. The following text messages, in part, are a small sample of hundreds of text message exchanges that occurred between Koch's cellular telephone (607-343-6184) and cellular telephones utilized and by the Victim; by Katherine Frick (Koch's girlfriend); and by other soccer players coached by Koch:

March 16, 2009

Koch: "I need to touch you"

Victim: "I need to feel you"

Koch: "When I touch you and you start making noise, it drives me crazy"

Victim: "Ya"
Victim: "Just hav it out when i get to the car. k?"
Koch: "Yeah. Right at the school?"
Victim: "Mhm lol k?"
Koch: "Alright. it'll be your first"
Victim: "I love you"
Koch: "I love you too. I'll be thinking of you"

March 17, 2009

Koch: "69?"
Victim: "no thanks i hav big thighs"
Koch: "?huh?"
Victim: "I'm too fat"
Koch: "Stop"
Victim: "It's true"
Koch: "you're entitled to your opinion"
Victim: "Thx"
Koch: "I want 69"
Victim: "id be 2 busy moaning"
Victim: "Mhm"
Koch: "Let's try it"
Victim: "K"
Victim: "Sounds Nice"
Koch: "I miss your moaning"

Victim: "I miss u making me moan, u jus being inside me"

Victim: "In every way"

Koch: "being with you makes me so happy"

Victim: "ya. iwdnt act like me. havnt seen u in so lng"

Victim: "I hope i act like me still"

Koch: "It's the only you I know"

Victim: "K"

Koch: "It's the you that I love"

Victim: "Aw hunny i love you"

Koch: :-)

Koch: "The end of October sky is on"

Victim: "Aw"

Victim: "I need to have u in me"

Koch: "I'd like that"

Victim: "Nxt time"

Koch: "someday we'll find a way to sneak you here for awhile"

Koch: "I love you (Victim's name)"

Victim: "I love you too Jerry"

March 19, 2009

Koch: "Your hair is getting long"

Victim: "Mhm"

Koch: "Makes me want to pull it"

Victim: "Haha"

Victim: "Yum"
Koch: "Mhm"
Victim: "My cum hair"
Koch: "Did you drool?"
Victim: "My hair was near there"
Koch: "So was your mouth"
Victim: "Mhm! yep yep!"
Koch: "It was so yummy"

.....

Victim: "My bf n i need to hav sex n video tape it"
Koch: "So you can watch it back?"
Victim: "We can"
Koch: "And then we'd do it again from watching it"
Victim: "True"
Koch: "And again"
Koch: "It's been ages since we've been here"
Victim: "Mhm"
Victim: "I miss ur bed"
Koch: "I miss my pillow smelling like you"

March 20, 2009

Koch: "Thanks for calling"
Victim: "Idm i love talking to u"
Victim: "My sleepy boy"

Koch: "Hi sleepy"

Koch: "How's my beautiful future wife?"

Victim: "I'm ok my tummy hurts but i'll get over it. how about u?"

Koch: "Sleepy, but happy"

Victim: :]

Koch: "it was nice last night, you put me at ease"

Victim: "I tryed. glad it worked out"

Koch: "You did well"

Victim: "With ur cooperation yes we did"

Koch: "You were very nearly fucked at the end"

Victim: "Lol mhm 1st time u didn't finish"

Koch: "Didn't want you to wake (Victim's friend's name)"

Victim: "Nice of you to think of her"

Koch: "You said you wanted it"

Koch: "With your cutest voice"

Victim: ":P u made me cute u had ur hot voice on"

- a. On March 20, 2009, the following text message conversations occurred between Koch's cellular telephone and a cellular telephone utilized by a minor female student and soccer player (hereafter Student #2, whose identity is known to your Affiant) at Blue Ridge High

School:

Student #2: "Wait what?"

Koch: "(Victim's name) and I"

Student #2: "Its fine. Only my brother is here"

Koch: "It isn't her dad went to the cops"

Student #2: "Wtf?! Where is she?!"

Koch: "not sure she got a quick call to me to tell me she had to talk to the cops"

Student #2: "About you?! This isn't good!"

Koch: "It's about the phone her dad took from her"

Student #2: "Shit idk what to do! I feel so bad for her. And you guys and ugh! I'm worried"

Koch: "Me too. I don't think I'll be at br next season"

Student #2: "Which isn't good"

Koch: "I know. make sure you erase all these text i don't want you in trouble too"

Student #2: "Okay. I hope she's okay!"

.....

Student #2: "She was just here. Shes okay as much as she can be. And she says she loves you"

Koch: "Thanks. I wonder if they'll come talk to me?"

Student #2: "I am not sure"

Koch: "Oh well. It is what it is. I love her"

Student #2: "Yeah"

Koch: "Did she have a chance to tell you what went on?"

Student #2: "Just that she lied as much as she could. And that when you said i love you you were just making fun of jillena or something. And stuff like that"

Koch: "Ok"

b. On March 20, 2009, the following text message conversations occurred between Koch's cellular telephone and the cellular telephone utilized by Koch's girlfriend, Katherine

Frick, date of birth: 02/29/1988:

Koch: "This could be an interesting weekend. (Victim's name) father took that other phone to the school and they called the cops to talk to her".

Frick: "Oh man"

Frick: "Did she just find out?"

Koch: "Yeah. she somehow was able to call me quick"

Frick: "Is she going to talk to them now?"

Koch: "She did"

Frick: "At least you know she'd never say anything against you"

Koch: "I do"

Frick: "Did she tell you what they asked or just quick to tell you it happened"

Koch: "Quick"

Frick: "Dang"

Frick: "Nervous?"

Koch: "Annoyed. I don't think they can do anything legally. The school can tell me no more coaching though. Which I don't really care about."

Frick: "Yeah"

March 22, 2009

Victim: "We need to talk"

Koch: "I figured"

Victim: "mhm"

Koch: "Can you call? now or later?"

Victim: "Later"

Koch: "Are you ok?"

Victim: "No"

Victim: "(Student #2's name) fuckin me over"

Victim: "(Student #2's name) fuckin us over"

Koch: "In what way aren't we ok?"

Victim: "gimme a few mins please"

Koch: "She said Friday how bad she felt for us. Take your time"

Victim: "No she said she's not gunna cover 4 me"

Koch: "Is that the same as telling all she knows?"

Victim: "No"

Koch: "Is she angry with you?"

Victim: "No"

Koch: "Good"

Victim: "I love you"

Koch: "I love you too. It was a lonely weekend without you"

Victim: "Sorry"

Koch: "Not your fault. Thanks for the quick call of Fri"

Victim: "Mhm"

Victim: "idk wat to say"

Koch: "To me?"

Victim: "Ya"

Koch: "Why? Just tell me what happened"

Victim: "Idk where to start"

Koch: "End of school fri"

Victim: "She's home"

Koch: "My heart is torn out"

Koch: "Please don't leave me"

Victim: "I feel the same"

Koch: "Don't then. Let everything calm down"

Victim: "jerry no"

Koch: "(Victim's name) Please. we said we'd never leave each other"

Victim: "i no. we didn't plan 4 this point tho"

Koch: "Yeah we did. We knew from the start it was going to be really hard and we both accepted it"

Victim: "I'll always love you"

Koch: "You're giving in to what other people want you to do. Your gma knows full well if you stop seeing me you'll never see me again. Just more manipulation"

Koch: "I can't believe you're giving up on us"

Victim: "I'm not"

Victim: "I'm forever urs. I'll come back to u"

Koch: "You are. Every day we aren't together is a day wasted. Said it yourself"

Victim: "Stop"

Koch: "No. you've always called the shots in our relationship. why can't I have thi my way?"

Victim: "Ugh"

Koch: "The other subject here is your father made a very bad mistake"

Victim: "I'll talk to you sometime soon i love you so much"

Koch: "I love you (Victim's name)"
.....

Koch: "If you care, (Victim's name) just told me she can't see me anymore"

Frick: "What? Ugh. How? Why?"

Koch: "Phone. Not the right time. Doesn't want me to get in trouble"

Frick: "Oy. You can keep talking at least?"

Koch: "Nope doesn't want to"

Frick: "Why? Scared to hurt you?"

Koch: "She's afraid of getting caught with the phone"

Frick: "So she's not going to have one? What if she gets her own or something?"

Frick: "I'm sorry. I really am. Maybe cool it for a bit and then you guys can try when there aren't so many others watching."

Koch: "She'd never be able to contact me on it"

Koch: "I'm not seeing that"

Frick: "Why not?"

Frick: "I'm sorry. I know she means a lot to you and it seems you care deeply for her"

Koch: "If we don't have a way to communicate we'll never see each other again"

Frick: "E-mail? IM? Payphone calls?"

Koch: "She has none of those things. It's done. And so is coaching at BR"

Frick: "I'm sorry"

Koch: "It's fine. It was doomed from the start"

Frick: "It all seems so stupid"

Koch: "No. I'm stupid"
Frick: "Why? Because you found an individual you cared for and helped significantly?"
Koch: "No. Because I allowed myself to get involved with someone who doesn't make their own decisions"

March 24, 2009

Koch: "I was going to send you a video clip"

Victim: "Do it!"

Koch: "It wouldn't send"

Victim: "Wat nooo!"

(Verizon records reflect a multi-media message is then sent between Koch and the Victim)

Victim: "Omg!"

Victim: "Wait 4 me!"

Koch: "Too dark but you get the idea"

Koch: "You coming?"

Victim: "Mhm"

Victim: "I wanna"

Koch: "Me too. You're so yummy"

Victim: "Not"

Koch: "Mhm you are. shower"

Victim: "Gah i'm horny n ima slap u"

Koch: "oh? something I did?"

Victim: "yes"

Koch: "Oops sorry"
Victim: "Meanie"
Koch: "I'll make it up to you"
Victim: "How?"
Victim: "Car sex?"
Koch: "If that's your desire"
Victim: "Yum"
Koch: "As you wish"

.....

Koch: "You need a spankin"
Victim: "I love you just the way u r"
Victim: "I do"
Koch: "I like it"
Victim: "yum"
Victim: "I miss fucking you"
Koch: "And the lead up to it. You get so turned on"
Victim: "True. u always get me going"
Koch: "And then you forget to breathe"
Victim: "Lol meanie"

.....

Victim: "yep. I'm thirsty gimme a drink"
Koch: "Big straw ok?"
Victim: "lol not my thing"

Koch: "I think you missed my meaning"

Victim: "I'm not a perv"

Koch: "Ok"

Victim: "I wanna do that thing to ur junk again"

Koch: "That's what I was implying"

Victim: "I no lol"

Koch: "Lol"

Victim: "Ima go"

Koch: "Go where?"

Koch: "Too horny?"

Victim: "ya"

Koch: "Go for a walk meet me in the cem. I have the truck"

Victim: "No"

Koch: "I know"

Victim: "I'm mad I wanna c u terribly"

Koch: "I know I wanna see you bad"

Victim: "I wanna lay in bed w u"

Koch: "It feels so perfect"

Victim: "Damn I'm annoyed"

Koch: "Sorry I don't help either getting you all wound up"

Victim: "It's whatever"

Koch: "Will your gma stay at training tomorrow?"

Victim: "Mrs. (name) is taking us to pract. my dad's picking us up"

Koch: "Do stuff with me there"

Victim: "Um no"

Koch: "Um yeah"

Victim: "Hun i hav an obligation to the team"

Koch: "I know where"

Koch: "Ok"

Victim: "Where?"

Koch: "Locker room"

Victim: "Hm i'm at the old complex"

Koch: "Even just to kiss and say hello"

Victim: "Hm"

Koch: "That's what I'm talking about. No one will even know I'm there"

Victim: "Ok lol idk where the locker room is"

Koch: "before you go through the door to get to the field go right, there's a doorway and hall that goes to the bathrooms and locker room"

Victim: "Ohk"

Victim: "Idk"

Koch: "30 min into training head for the bathroom"

Victim: "Ohk"

Koch: "It'll be fine"

Victim: "Thatll be somethin"

Victim: "(Student #2) is coming idk"

Koch: "Can you go to the bathroom without her?"

Victim: "Idk if she'll come w me"
Koch: "Is she watching or training?"
Victim: "Idk ima call him tonite n ask if he minds if she comes"
Koch: "Don't go on a break. Just tell him quietly you need to run to the bathroom"
Victim: "K"

March 25, 2009

Victim: "I get to c u tonite! yay!"
Koch: "Mhm. I'm excited"
Victim: "I get to kiss u n poke ur man junk"
Koch: "I get to kiss you and touch stuff too"
Victim: "Mhm fuck me"
Koch: "Send you back to training freshly fucked"
Victim: "Omg do it"
Koch: "You never know"
Koch: "Are you in class?"
Victim: "Mhm"
Victim: "Yes"
Koch: "Gettin all wet thinkin about it?"
Victim: "Mhm"
Victim: "dnt bring anything. i want all of u"
Koch: "Sleeve"
Victim: "Fuck that"
Koch: "Haha"

March 26, 2009

Victim: "We shoulda had sex"

Koch: "Hi"

Victim: "My breathe was bad"

Koch: "Didn't notice"

Victim: "Dnt lie"

Koch: "Not. I could feel your clit through your shorts"

Victim: "Good 4 u"

Koch: "I liked it"

Victim: "U were like packin :P"

Koch: "you should have dropped your shorts and bent over"

Victim: "Thats hots i shoulda"

Koch: "Next time"

Victim: "Maybe"

Koch: "MAYBE?"

Victim: "Lol baby shush"

.....

Victim: "(Student #1) told. she had to sign a paper. I'm scared. I love you too. so so much"

Koch: "Told what?"

Victim: "All kindas shit she said she cnt tell me"

Koch: "great"

Victim: "Ima change my story o i told them that"

Koch: "What?"

Frick: "Have a good night?"

Koch to Frick: "I slept ok"

Frick: "With the cops?"

Koch to Frick: "Yeah"

Frick: "Like something might happen today uneasy?"

Koch to Frick: "Soon uneasy. They like Fridays"

Frick: "Yikes. But they really can't do anything. Except just try to piss you off"

Koch to Frick: "We'll see"

Frick: "I hate that feeling. Keep me up to date please?"

Koch to Frick: "If you stop hearing from me at some point, you'll know why"

Frick: "That's not really what I want to hear"

Koch to Frick: "I hate things going on behind my back. They don't know that I know that
I'm being investigated"

Frick: "You'd figure they'd know you'd hear from somewhere"

Koch to Frick: "They talked to (Student #1), she gave a statement"

Victim: "I mean tel them i told (Student #1) a lie"

Frick: "Serious? Did she tell you? Or (Victim)?"

Koch to Frick: "(Victim)"

Frick: "Anyone else that you know of? What did she say?"

Koch to Frick: "No details"

Frick: "Well none of the girls would intentionally speak against you would they?
Who all knows? Just (Student #2)?"

Koch: "I don't think (Student #2) would"

Frick: "She's the only one that knows?"

Koch to Frick: "Knows?"

Frick: "About you two"

Koch to Frick: "The cops care about 1 thing that's whether or not we've had sex. There's only 2 people who know the answer to that question for sure the rest know nothing but rumors"

Koch: "Even if I told you we had, do you know for sure?"

Victim: "U no?"

Koch to Victim: "Don't say another word. Don't answer any more questions. At all"

Frick: "Yeah. You and her you mean?"

Koch to Victim: "I know what?"

Koch to Frick: "Yeah"

Victim: "This is really hard"

Victim: "I'm sorry baby"

Frick: "No. But if you did say that I'd believe you"

Victim: "I fuck this up"

Frick: "But the cops won't 'really' know either unless you or she says something which you won't"

Victim: "I cnt stop crying"

Koch to Victim: "It's going to be ok. There's no reason for you to talk to them again. They can't make you talk. Just say you have nothing to say"

Koch to Victim: "you're fine"

Koch to Victim: "you're fine"

Koch to Frick: "They need evidence and hearsay doesn't qualify"

Frick: "Not at all. And like I said neither of you would tell, so they won't get the evidence they want/need"

Victim: "Idc bout me i care bout us"

Frick: "And even if somehow they did have evidence that you two did have sex-if she's 16 it shouldn't matter"

Koch to Victim: "I know you do. Seriously, it's going to be fine"

Koch to Frick: "There's no evidence"

Frick: "Then good. No sense worrying about them finding it"

Koch to Frick: "What would be evidence anyway?"

Frick: "Idk. Testimony from you or her. A used condom with both of you on it. W/e"

Victim: "dnt lie to me"

Koch to Victim: "I'm not, they have nothing to hurt us with. It's nothing but an annoyance"

Frick: "Just thinking. But if you had sex in your car you should clean it probably. Just in case"

Koch to Frick: "Never did"

Koch to Frick: "You're the only one I've ever had car sex with"

Frick: "Or sheets or clothes w/e"

Koch to Frick: "There's nothing"

Koch to Frick: "It intrigues me how you all jump to make conclusions"

Frick: "I'm not jumping. I'm just saying if you did, be careful, if not, then you

have nothing to worry about"

Frick: "You already told me it was none of my business and you weren't going to tell me. I'm just trying to be supportive"

Koch to Frick: "I know. It's interesting though how given a choice of good or bad they side toward the bad"

Frick: "It's bad to have sex with someone you like? Maybe it's the 'better to be safe and prepared than sorry' mentality"

Koch to Frick: "There's one person who's causing all this fervor and that's her loser father. Why he's made me out to be enemy number one I don't get"

Frick: "Who knows. Maybe just to make a scene and pretend that he cares"

Koch to Frick: "And ruin me and Blue Ridge soccer in the mean time"

.....

Victim: "Those guys r here today"

Koch: "They'll probably want to talk to you again"

Koch: "You saw them?"

Victim: "In the hallway"

Koch: "Maybe for (name of Blue Ridge student/soccer, hereafter Student #3 whose identity is known to your Affiant)?"

Victim: "Hope not"

Koch: "You think she'll sell us out?"

Victim: "Idk who i can trust"

Koch: "Was (Student #1) a bitch about it?"

Victim: "Mhm"

Koch: "Did you ever tell her directly that you had sex with me?"

Victim: "No she doesn't know any of that"

Koch: "well shit then, what are we concerned about?"

(Verizon records reflect a muti-media message is then sent between Koch and
Victim)

Koch: "Hi"

Victim: "Idk"

Koch: "Is that a dress?"

Victim: "No"

Koch: "Darn"

Victim: "Y darn"

Koch: "I like you in dresses"

Koch: "Do you think a lot of people there know why the cops are there?"

Victim: "They aren't in uniform"

Koch: "So no?"

Victim: "No"

Koch: "That's good I don't want people talking behind your back"

Victim: "Thanks"

.....

Koch: "I miss spending time with you"

Victim: "i do too"

Koch: "Like bad"

Victim: "Aw"

Koch: "Explain to me again why we can't hang out?"

Koch: "Seriously"

Victim: "idk"

Koch: "I think there's extortion involved"

Victim: "What's that?"

Koch: "the act or practice of wresting anything from a person by force, by threats, or by any undue exercise of power"

Koch: "Seem right?"

Victim: "Idk"

Victim: "I dnt get it i need a shower"

Koch: "Your father is extorting you"

Victim: "Hm examples?"

Koch: "Talk to jerry, lose your phone, keep talking, no soccer, keep talking, go to Binghamton, etc."

March 27, 2009

Koch: "Pic today?"

Victim: "Maybe"

Koch: "Were you asleep when I sent the one last night?"

Victim: "Yes"

Koch: "Well at least you woke up to it"

Victim: "Like i want to every morning :D"

Koch: "I can't wait for those days to come"

Koch: "when ours touch"

Victim: "U made me bite my lip!"
Koch: "I'll kiss it"
Victim: "kiss everywhere else too... PLEASE"
Koch: "Hmm? Where should I start?"
Victim: "On my back i love that"
Koch: "Do you now?"
Victim: "Mhm! It's nice"
Koch: "Should I sit on you and kiss your back?"
Victim: "Yes"
Koch: "Mmm kissin your back and runnin my fingers up your sides"
Victim: "Mhm sliding ur hands underneath me just a lil"
Victim: "Mhm"
Koch: "Pull your hips up into me mmm"
Victim: "Grr ur sexy"
Koch: "I love you"
Victim: "I love you"

.....

Koch: "Get my pic?"
Victim: "N love it"
Koch: "Classes are boring today?"
Victim: "Mhm"
Koch: "That's no good"
Koch: "rather be invaginating?"

Victim: "Mhm lol"

.....

Victim: "I no where that face has been"

Koch: "Oh? Where might that be?"

Victim: "U no *points* there"

(Verizon records reflect a multi-media message is then sent between Koch and
Victim)

Victim: "Omg. put ur pants on ur at work"

Koch: "No one is out here"

Victim: "Still lol"

Koch: "Lol"

Victim: "Ur wild"

Koch: "Fuck me in the storage room between games"

(Verizon records reflect a multi-media message is then sent between Koch and
Victim)

Victim: ":D thats cute i love the colour"

Victim: "No lol"

Koch: "Mhm do it"

Victim: "Maybe lol"

Koch: "you won't"

Victim: "True"

Koch: "I'll go in there during the first game, your dad will be watching you"

Victim: "um ok.."

Koch: "Then between games come meet me. Then I'll leave while you're playing your last one"

Victim: "idk bout this"

Koch: "I almost just sent you a penis pic"

Victim: "Do it"

Victim: "More!"

Koch: "Send me more"

Victim: "ugh"

Koch: "Blah yourself. you don't play fair"

.....

Victim: "Brian didn't let me go"

Koch: "Let you go?"

Victim: "To c u"

Koch: "He made you stay between?"

Victim: "I asked him n he said after the game"

Koch: "Lame"

Victim: "Were u there?"

Koch: "Where are you?"

Koch: "Mhm"

Victim: "At my dads"

Victim: "Fuck!"

Koch: "Why did you ask?"

Victim: "Y! cuz i want to c u"

Koch: "Why did you ask brian? Why didn't you just go to the bathroom?"

Victim: "Idk..."

Koch: "Did you chicken out?"

Victim: "No babe"

Koch: "Wanna kiss me?"

Victim: "Mhm"

Koch: "Is it too crazy to come there?"

Victim: "Mhm"

c. The victim admitted to law enforcement that during March 2008, the Victim played indoor soccer in the Binghamton, New York area and the Victim's indoor soccer coach was named Brian. The Victim confirmed Koch wanted to meet the Victim at an indoor soccer facility in the Binghamton, New York area to engage in sexual activity. In the text message conversation above, the Victim indicated she was at "her dad's" residence which is located in Binghamton, New York. Additionally, one of the conversations above referenced that Koch was "at work" which is located in Binghamton, New York. A review of Koch's employment time card confirmed that Koch was present at work in Binghamton, New York on March 27, 2009.

March 28, 2009

Victim: "oh. this isn't fair to u our relationship sucks. we cnt do anything"

Koch: "For now"

Koch: "You could ask, but you're not supposed to be talking to me"

Victim: "Mhm"

Koch: "I could text him and ask"

Victim: "It's odd how we fucked up each others lives but we've really made em so rite"

Victim: "No"

Koch: "I don't consider my life fucked up"

Victim: "Well i do. n im sorry 4 it"

Koch: "Eventually I'll rebel and it'll get a lot worse or a lot better"

Koch: "I kind of expect you to do the same"

Victim: "Um ok"

Koch: "If we don't take a stand nothing will change"

Victim: "K"

Victim: "Define"

Koch: "You need to convince (Victim's Father) that I'm not the enemy"

Victim: "Ok"

Victim: "I'll try"

.....

Victim: "I've wrecked everything 4 us"

Koch: "nah, how?"

Victim: "I wann meet her w u so she can c how fit we r 4 ea other"

Koch: "She'll be able to tell"

Victim: "all this worthles stuf this is real life changing shit"

Koch: "It is. Knowing who you want to spend your life with is a big deal"

Victim: "No like jail time. they hav both my cells jus so u no"

Koch: "They? cops? idc"

Victim: "Y? that's a big deal"

Koch: "Why? what's in the old one? nothing And the other has comments. Your Dad

knows you're the only one who can cause me harm"

Victim: "Ok wat if my dad takes me outa br wats guna happen w us!"

Koch: "I come see you where ever you are"

Victim: "At my dads? idk if that'll wrk"

Koch: "I don't see you at (name of person's residence). At some point you'll have to be left alone"

Victim: "Ok. this is all scary. n im kinda upset bout the matt thing"

Koch: "He knows how to upset you. He was just talking shit"

Koch: "He tell you I'm going to jail?"

Victim: "wat r u gunna say if they ask u y u gav me a fone? that i said my dad couldn't afford 1 n u thought i told him"

Victim: "No. he didn't he said there will b a trial"

Koch: "Ok. I can say that"

Victim: "K sounds good"

Koch: "They told you that since you're 16 you can have sex with whoever you want?
Then why are they there?"

Koch: "Does your dad know that phone was from me?"

Victim: "exactly. but they said in pa i may be considered a ny"

Victim: "no he still thinks from V"

Koch: "As far as I know you're from Pa. It's where you go to school"

Victim: "True but I don't know what the gov sees me as. idk baby i jus dnt no"

(Text Conversation Continues Into March 29, 2009)

Koch: "I know. Seriously, as long as you never admit to it, they can't charge me and

make it stick"

Victim: "Alrite"

Koch: "What if they charge me and you have to testify in court?"

Victim: "plead the 5th"

Koch: "Can't. You won't be incriminating yourself"

Victim: "Idk. gah!"

Koch: "Sadly, you'll have to lie"

Victim: "Ugh ok. that fone says to meet at the giant. wat r u gunna say to that"

Koch: "Remember after, I told you that you now had my life in your hands? This is what I was talking about"

Victim: "Ya"

Koch: "To hang out and talk. Then you wanted me to take you downtown to look for where your Mom lives"

Victim: "Ok"

Koch: "Sounds possible"

Victim: "Mhm. this may jus wrk"

Koch: "I think so too"

March 30, 2009

Victim: "My dad's at school I think"

Koch: "Ok"

Victim: "Weird"

Koch: "Wonder if those guys are there? gma taking you back to her house?"

Victim: "Mhm"

Victim: "at gmas"

Koch: "naptime?"

Victim: "Maybe"

Koch: "Hide your phone well"

Victim: "Wil"

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Koch: "You hung up. I said I love you and you hung up. ouch"

Victim: "Sorry"

Koch: "Suck me again"

Victim: "U like that better than havin sex w me?"

Koch: "No"

Victim: "Whatever"

Koch: "? that's a dumb question"

Victim: "hm ok"

Koch: "rather you here in bed all wet and hot"

Victim: "Where we guna do it in the prct thing?"

Koch: "in front of that door"

Victim: "Um no lol dnt do it hard. i dnt wana moan"

Koch: "You will"

Koch: "Condom?"

Victim: "none please"

Koch: "where will I cum?"

Victim: "In me"

Koch: "No"

Victim: "Wait nvm wear one"

Koch: "K"

Victim: "Dnt make me moan"

Koch: "what if I pulled out and you sucked me off the rest of the way?"

Koch: "Then no condom"

Victim: "No wear 1"

Koch: "Ok?"

Victim: "Mhm ima tell Brian I'm not feeling well"

Koch: "K"

Victim: "where is this all taking place? undies or no?"

Koch: "Surprise me"

Victim: "Tell me"

Koch: "You might want them after"

Victim: "True"

Koch: "We'll be far enough away that you can moan"

Victim: "No i dnt wanna"

Victim: "say my name lol"

Koch: "Of course you do"

Victim: "no i dnt"

Koch: "Ever? just there"

Victim: "Jus there"

Koch: "It just might happen"

Victim: "Well lets try it soft in hopes u dnt make me moan"

Koch: "How do you want to do it?"

Victim: "Idk u?"

Victim: "U can keep my um thing u got made for me"

Koch: "I don't really want to lay you down up there. It isn't very clean. Although I could bring a blanket"

Victim: "Blanket then"

March 31, 2009

Victim: "I'm blah. breaking out bad"

Koch: "You need sexxxxx"

Victim: "Yes!"

Koch: "What time?"

Victim: "U tell me"

Koch: "Now?"

Victim: "I wish"

Koch: "And in the morning"

Victim: "Mhm"

Koch: "back to reality --- what time is training?"

Victim: "5:15 to 7:15"

Koch: "5:45?"

Victim: "K I'll be there"

Koch: "I'll be there before that. So come when it works for you"

Victim: "K"

Koch: "When was the last time you came?"

Victim: "We talking dirty or what?"

Koch: "When was the last time, yeah"

Victim: "last time we had sex"

Koch: "Not when we had phone stuff?"

Victim: "No i didn't"

Koch: "ok"

d. On or about April 5, 2009, the Victim had a soccer game at an indoor soccer facility in the Binghamton, New York area. The Victim's Father attended the game and Koch was also present. The Victim's Father learned the Victim was using another cellular telephone (the second cellular telephone provided to the Victim by Koch) to communicate with Koch and the Victim's Father seized this cellular telephone. The Victim's Father provided this cellular telephone to the Binghamton Police Department. The following text message conversation between Koch and the Victim revealed Koch made arrangements in an attempt to meet the Victim at the indoor soccer facility in the Binghamton, New York area to engage in sexual conduct. During this text message string, Koch communicated with another Blue Ridge High School student/soccer player (Student #3):

April 5, 2009

Victim: "Hi"

Koch: "Hey"

Victim: "how r u. srry bout las nite hm jus scared"

Koch: "I rather you feel safe. I'm ok"

Victim: "Ok. thx"

Victim: "I miss u"

Koch: "Bigtime"

Koch: "(Victim's Father) going?"

Victim: "Mhm"

Koch: "Hm"

Victim: "Idk i wana c u"

Koch: "Me too. What can we do?"

Victim: "Storage rm?"

Koch: "Ok. Be careful, I'll be there, I have the truck"

Victim: "Ok"

Victim: "2nt wait"

Koch: "?"

Victim: "I love you ttyl"

Koch: "K bye. love you too"

Victim: "nvm dnt come its 2 risky"

Victim: "Mhm i feel played"

Koch: "By who?"

Victim: "Every1"

Koch: "Not me. Why do you say that?"

Victim: "Idk jus a feeling idk who to trust"

Koch: "Idk why you would feel that way about me?"

Vicitm: "I'm sorry"

Koch: "What's going on can you explain?"

Victim: "I jus sad"

Koch: "We need to choreograph some time together. somehow"

Koch: "See me at the dome?"

Victim: "No"

Koch: "Really?"

Victim: "Ya i cnt 2 risky"

Koch: "Public place I can be there"

Victim: "Idk"

Koch: "Nvm then"

Koch: "who's coming to watch you?"

Victim: "Ok"

Koch: "You don't think I can just be up there?"

Koch: "?"

Koch: "Talk to me"

Koch: "I'm going to be at the dome"

Student #3 to Koch: "(Victim) says hope her dad doesn't find the phone"

Koch to Student #3: "Why would he?"

.....

Frick: "Me too"

Koch: "Home. To be honest, I have the feeling that the other thing is going to go poorly."

I have no real reason to believe that, just how I feel"

Frick: "I really hope it doesn't"

Koch: "Not as much as me. I won't do well in jail"

Frick: "You haven't done anything. And they can't prove anything"

Koch: "I think it's time to pull the plug. Get her phone and end it"

Koch: "It depends upon what the phone laws are. And I don't know what they are"

Frick: "Yeah? You think so? That'll probably be really rough on you both"

Koch: "I can't go to jail over it"

Frick: "Yeah"

Koch: "I'm not big on regret and I seriously regret ever talking to her"

April 6, 2009

Koch: "(Name of person) said (Victim) isn't in school"

Frick: "Oh no"

Frick: "You haven't heard from her yet?"

Koch: "No"

Frick: "Nervous for her?"

Koch: "Nervous for me. If he found that other phone...idk"

Koch: "I'm an idiot. I should never have let myself be in this position"

Frick: "Just because it's another phone or more sexual stuff on it?"

Koch: "Another phone. Nothing is on it"

Frick: "Why? You didn't expect it to happen?"

Koch: "Happen? Having the phone discovered? No, I didn't"

Koch to Student #2: "Are you back in Pa?"

Frick: "Yeah. Any of it"

Student #2: "Yep"

Koch to Student #2: "What's going on with (Victim)?"

Student #2: "Her dad and she didn't go today so i don't know anything"

Koch to Student #2: "I think there's trouble"

Student #2: "Why"

Koch: "I was at the dome yesterday to talk to Brian they want me to coach for their club. Her dad was there and kinda freaked out I tried to talk to him but he was being a jerk. I'm wondering about her phone"

Student #2: "Ooooh shit. (Victim) can't keep going through this. Oooh no =["

Koch to Student #2: "I'm going to leave her alone even though it isn't what she wants"

Student #2: "Aw this is sad =["

Student #2: "Good"

Koch to Student #2: "Her dad is malicious he isn't trying to do what's best for her he just tries to make her miserable. It's really sad she's such a nicer person she does not deserve all the abuse that she gets"

Student #2: "I know!"

Koch to Student #2: "Will you let me know if you hear anything?"

Student #2: "Yeah. i hope she's home tonight!"

Koch to Student #2: "Thanks. I never should have gone to the dome while she was there, but it was the only time Brian was going to be there"

Student #2: "Yeah"

Koch to Frick: "I guess I don't really get your question"

Frick: "Not meant to be difficult. I was just commenting that I didn't think you figured on the phone being found, her dads actions, the cops etc..."

Frick: "So why would you say it was stupid if you didn't figure those things

happening"

Koch: "It's true, I didn't"

Frick: "So why would you say it was stupid if you didn't figure those things happening"

Koch to Frick: "People who rob banks don't expect to be caught either. After they are they say they shouldn't have done it"

e. Pursuant to April 5, 2009, Koch continued to communicate with the Victim by way of cellular telephone text messaging. The Victim utilized cellular telephones available to her which included the cellular telephones of Students 2 and 3.

f. On May 5, 2009, Koch made arrangements, via his cellular telephone, to attempt to meet the victim and engage in sexual conduct. Koch made arrangements to meet the Victim near her school in New Milford, Pennsylvania and Koch left from his place of employment in Binghamton, New York to attempt to engage in such conduct. The following is a text message conversation between Koch and the Victim:

May 5, 2009

Victim: "Plz c me"

Victim: "I love you jerry"

Koch: "I'll be where I was Thursday"

Victim: "Thank you"

Victim: "Can I kiss you?"

Koch: "You should be able to kiss the person you say you want to marry"

Victim: "I was makin sure u want my kissys"

Victim: "I hav a study hall if u wanna call i can answer"

Koch: "Can't"

Victim: "Thought I'd try"

Koch: "You're going to (name of person's residence)?"

Victim: "Yes"

Koch: "So we get 10 min?"

Victim: "The average amount idk how lng"

Koch: "Maybe today I should keep you"

Victim: "U cnt"

Koch: "Why? Might be the last time you see me for a spell, don't you want to make the most of it?"

Victim: "I do but we cnt"

Victim: "I shaved good n everything :P"

Koch: "Such a tease"

Victim: "Fuck me in ur car"

Koch: "Where? And I don't have protection"

Victim: "Idc anywhere"

Victim: "ok. but i miss havin sex"

Koch: "Me too, and being with the girl I love"

Victim: "Me?"

Koch: "Yes baby, you"

Victim: "Aw"

Victim: "You always say the rite things"

Victim: "Here?"

Koch: "Not yet"

Victim: "K"

Koch: "I'm here" (Verizon records reflect Koch sent this message at 2:26 p.m.)

Victim: "Ya"

Koch: "Sneak out early" (Verizon records reflect Koch sent this message at 2:31 p.m.)

Victim: "Cnt"

Koch: "Does an alarm go off?"

Victim: "Ya"

Koch: "That sucks"

g. A review of Koch's time card from his place of employment in Binghamton, New York revealed that on May 5, 2009, Koch punched out of work at 1:54 p.m. and punched back into work at 4:33 p.m. As referenced in the text message conversation above, Koch informed the Victim he was "here", which is believed to be at Blue Ridge High School at 2:26 p.m. Driving time from Koch's place of employment in Binghamton, New York to the Victim's school in New Milford, Pennsylvania is approximately 30 minutes. Blue Ridge High School releases its students at 2:38 p.m. on Monday through Thursday. May 5, 2009 was a Tuesday and the Victim was due to be released from school at 2:38 p.m. Based upon the conversation above and the text message conversations below (May 6th and May 7th), it is logical to infer that during the afternoon hours on May 5, 2009, Koch traveled interstate from Binghamton, New York to New Milford, Pennsylvania, to engage and/or attempt to engage in sexual conduct with the Victim:

May 6, 2009

Koch: "Hi"

Victim: "Babe"

Victim: "U were yummy"

Koch: "Omg"

Victim: "Wat?"

Victim: "Ya it was nice"

Koch: "I had to tell you last night, I hope (Student #2) didn't mind too much"

Victim: "4ts ok"

Koch: "Did it make you smile?"

Victim: "Ya"

Koch: "I listened to the whole CD"

Victim: "ha"

Koch: "I love it. Oh btw, you looked gorgeous yesterday"

Victim: "I looked ok. good"

Koch: "The message at the end is the best present ever"

Victim: "Aw :P"

Victim: "I love u 2"

Victim: "We needed yesterday"

Victim: "Talk babe"

Koch: "We really did. Being together always makes it right again"

Victim: "Ya"

May 7, 2009

Koch: "We need a picture of us"

Victim: "I no bring ur camera"

Koch: "Umm, I wanna lick somthing"

Victim: "Wat!?"

Koch: "Clitoris"

Victim: "Lol"

Koch: "I don't think you'd laugh"

Victim: "What would i b doing?"

Koch: "Goin 'oh fuck!!!!"

Victim: "Did i say that the other day?"

Victim: "U didn't say my name n u promised u would the nxt time we did it"

Koch: "I did when you were sucking me. And, yes you did"

Victim: "no! u didn't"

Koch: "Yeah, I really did"

Victim: "Fine"

Koch: "Pic meanie"

(Verizon records reflect a multi-media message is then sent between Koch and
Victim)

Koch: "Thank you"

Victim: "I look bad"

Koch: "You almost always say that"

Victim: "Whether I say it or not it's true"

Koch: "You looked amazing on Tuesday" (Note: May 5, 2009 was a Tuesday)

Victim: "Thx"

Victim: "U r cuter"

Koch: "With your cute little bow"

Koch: "Did you get stuff on you?"

Victim: "My inside of my legs ya"

Koch: "I was gonna wipe it on you"

Victim: "Where?"

Koch: "Belly"

Victim: "Um im glad u didn't"

Victim: "I wanted to lick it off u"

Koch: "I offered, you got shy"

Victim: "I was real shy w u"

Koch: "Not like with all your other men"

Victim: "Um i dnt hav other men ur my guy"

Koch: "J/P"

Victim: "Ya"

Koch: "HEY (VICTIM)! ! !"

Koch: "Did you forget your name?"

Koch: "I LOVE YOU"

Victim: "I was finishing my essay 4 my hist test"

Koch: "Do a good job?"

Victim: "Ya best in the class"

Koch: "Sweet"

Koch: "Do you like my big text?"

Victim: "Ya"

Victim: "Ya i love you 2"

May 8, 2009

Koch: "Sorry I wasn't near my phone. HI"

Victim: "I love you"

Koch: "Mhm, that makes me smile"

Victim: "U at wrk?"

(Verizon records reflect a multi-media message is then sent between Koch and the
Victim)

Victim: "Aw! lets fuck. so ur bros home frm england"

Victim: "?"

Koch: "My bro lives in Fl. My niece and nephew live in England" .

Victim: "O! ok sry"

Koch: "Tease"

Victim: "No"

Koch: "You like how it feels inside?"

Victim: "Mhm"

Koch: "Me too"

Victim: "Only like?"

Victim: "gym"

Koch: "Yeah right, that's why I cum in like 10 sec. You feel amazing"

May 29, 2009

Victim: "What was ur fav. part of yesterday?"

Victim: "What r the rules 4 moving our when ur 17?"

Koch: "You asking me to come back"

Koch: "I think they're just like for 16, but they don't enforce them"

Victim: "Aw"

Victim: "Ok. im glad i asked u to come back"

Koch: "obviously-the sex was super yummy"

Victim: "ya u dnt hav to do anythin jus mve it around"

.....

Victim: "Ur penis is 4 me"

Koch: "You like the fit?"

Koch: "And oh btw, who got branded this time?"

Victim: "Mhm. it feels so right we're meant to be together"

Victim: "Lol. that was hot n a good distraction frm leg cramp"

Victim: "gym"

Victim: "done"

Koch: "I love you"

Victim: "I love you 2"

Koch: "I'll always be thinking of us"

Victim: "Good"

Koch: "Baby, I don't wanna let you go"

Victim: "We hav the rest of our lives"

Koch: "You better come back to me or you know what happens. lol"

Victim: "By love u"

Koch: "Ttys I love you"

June 2, 2009

Koch: "A soccer coach in Syracuse just got arrested for texting a 16 y/o"

Victim: "Um txtin wat?"

Koch: "It just said 'inappropriate'"

Victim: "Ohk"

Victim: "I love you"

Koch: "I love you"

.....

Victim: "Baby I have to leave soon i love you"

Victim: "Say it back"

Koch: "I love you too. I don't hate (Student #2), never have. And, maybe I like sucking
dick"

Victim: "Oh damn\That's hot"

Victim: "I wanna c u do that \ Than ya mee \ Hahaaaa"

Victim: "Ur so hot \ Imma try to stay at (person's residence) so i may call u \ Bye"

Koch: "Bye"

**SEARCH WARRANT EXECUTED AT KOCH'S RESIDENCE AND STATEMENTS
MADE BY KOCH**

15. On June 4, 2009, investigators executed a search warrant at Koch's residence of 3211 Quaker Lake Road, Brackney, Pennsylvania. The search warrant was issued on May 29, 2009, by United States Magistrate Judge Thomas M. Blewitt, Middle District of Pennsylvania. During the execution of this search warrant, investigators seized items of evidence to include

computers, cellular telephones, and other items. Koch was interviewed at his residence and investigators explained to Koch that communications (text messages) obtained by law enforcement indicated that Koch and the Victim were involved in a sexual relationship. Koch stated "If your evidence was strong then you would be arresting me." Investigators then described some of the text messages to Koch, including one in which Koch asked the Victim for "69" and Koch responded "that could have been someone else sending text messages from my phone." Investigators then informed Koch that certain cellular telephone records placed Koch's cellular telephone in the vicinity of Koch's place of employment when some of these sexually explicit text messages occurred and Koch responded "that could have been somebody else at my work sending the text messages."

16. Koch's girlfriend, Kathleen Frick, was also present at the residence during the course of the execution of the search warrant. Frick was seated in a separate room from Koch and when investigators attempted to interview Frick, Koch shouted "Kate, you don't have to say anything".

VICTIM ADMITS TO SEXUALLY EXPLICIT CONTACT AND COMMUNICATIONS WITH KOCH

17. On June 4, 2009, the Victim's Father brought the Victim to the FBI Office in Binghamton, New York to be interviewed by investigators. The Victim decided not to speak with investigators so no interview was conducted.

18. On July 6, 2009, your Affiant was contacted by the Victim's Father who stated the Victim wished to speak with law enforcement. On July 7, 2009, the Victim was interviewed at the United States Attorney's Office, Binghamton, New York, and the Victim admitted, in words or substance, the following:

a. The Victim admitted that she had not previously been candid with investigators about her relationship with Koch. The Victim admitted she had in fact engaged in sexual contact, including intercourse and oral sex, with Koch. The Victim engaged in sexual activity with Koch at Koch's Brackney, Pennsylvania residence and in Koch's black colored Audi vehicle. On at least one occasion, Koch picked the Victim up in Binghamton, New York and transported the Victim to Koch's Pennsylvania residence where the Victim and Koch engaged in sexual conduct. Koch transported the Victim from Binghamton to Pennsylvania in Koch's black colored Audi vehicle. The Victim also engaged in sexual conduct with Koch on multiple occasions in Koch's black colored Audi vehicle while parked at various locations in Pennsylvania. The Victim's relationship with Koch commenced in approximately November 2008 when Koch first kissed the Victim. Koch and the Victim first engaged in sexual intercourse in approximately January 2009. On more than one occasion, Koch made arrangements with the Victim, by way of cellular telephone, in order to meet the Victim at an indoor soccer facility in the Binghamton, New York area to engage in sexual contact. Although Koch made these arrangements and attempted to meet the Victim at the indoor soccer facility to engage in sexual contact, the Victim indicated that he and she did not consummate any sexual contact at the indoor soccer facility.

b. The Victim admitted she regularly communicated with Koch by way of text messaging on cellular telephones. In a number of these text messages, Koch and the Victim spoke of engaging in sexual activity and/or attempting to engage in sexual activity. Koch also sent pictures to the Victim via cellular telephone which depicted Koch's penis. Koch also sent at least one video clip to the Victim's cellular telephone which depicted Koch masturbating. Koch encouraged the Victim to reciprocate and provide sexually explicit photographs of herself to

Koch; however, the Victim refused to provide such photographs. Koch provided the Victim with two cellular telephones so Koch could communicate with the Victim. On some occasions, Koch text messaged the Victim while Koch was at work in Binghamton, New York and the Victim was in school in New Milford, Pennsylvania. The Victim indicated that Koch encouraged the Victim to lie to law enforcement to conceal the true nature of the sexual relationship and the contact between Koch and the Victim.

KOCH'S BLACK COLORED AUDI VEHICLE

19. During the course of this investigation, investigators identified that Koch operates a black colored Audi sedan. A search of the Pennsylvania Bureau of Motor Vehicles revealed the following vehicle is registered to Koch:

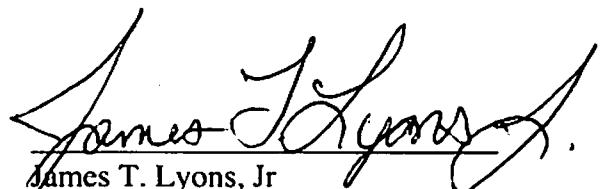
- a. 1998 Audi bearing Pennsylvania registration GXS6986, assigned vehicle identification number: WAUED68DXWA024133, registered to Gerald Koch, of Brackney, Pennsylvania, registration expiration of December 2009.

CONCLUSION

20. Based upon all of the information set forth in this affidavit, your Affiant respectfully submits that there is probable cause to believe that Gerald Koch violated Title 18, United States Code, Section 2422(b) by using a facility or means of interstate or foreign commerce to knowingly attempt to and to persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in any sexual activity for which Koch can be

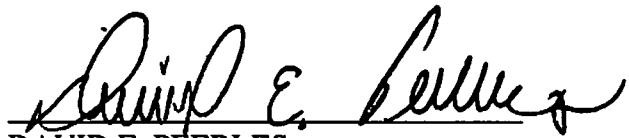
charged with a criminal offense¹, by texting and communicating with a minor less than seventeen years of age for the purpose of meeting the minor and attempting to meet the minor to engage in sexual activity. Your Affiant also submits that probable cause exists to believe Koch violated Title 18, United States Code, Sections 2423(a) and (b) and Section 1512(b)(1) and (b)(3) by Attempting to and by Transporting a Minor in Interstate Commerce with the Intent to Engage in Sexual Activity; by Attempting to and by Traveling in Interstate Commerce with the Intent to Engage in Illicit Sexual Conduct; and with Tampering with a Witness/Victim. Your Affiant further submits there is probable cause to believe that Koch utilized his 1998 black colored Audi sedan bearing Pennsylvania registration GXS6986, assigned vehicle identification number WAUED68DXWA024133, to facilitate in Attempting to Transport and Transporting a minor in Interstate Commerce with the Intent to Engage in Sexual Activity and Attempting to Travel in Interstate Commerce with the Intent to Engage in Illicit Sexual Conduct, in violation of Title 18, United States Code, Section 2423 (a) and (b). Your Affiant respectfully requests a warrant be issued for Koch's arrest and a warrant be issued which authorizes the seizure of Koch's 1998 black colored Audi sedan.

¹ New York State Penal Law Section 260.10(1), titled "Endangering The Welfare of a Child", makes it a state crime if a person knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old. Pennsylvania Criminal Statutes Section 6301, titled "Corruption of Minors", makes it a state crime if a person of the age of 18 years and upwards (Koch was 48 years old when conduct commenced), by any act corrupts or tends to corrupt the morals of any minor less than 18 years of age (the Victim).



James T. Lyons, Jr.
Special Agent, FBI

SUBSCRIBED TO AND SWORN TO
BEFORE ME THIS 16th DAY
OF OCTOBER, 2009



DAVID E. PEEBLES
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF NEW YORK